

**PLAINTIFF'S STATEMENT OF DISPUTED FACTS**

1. Defendant Fifield called Plaintiff on December 15, 2003, and not getting an answer, left a message for Plaintiff to call "Officer Fifield, Badge #150" at the Wall Police Department.
2. Plaintiff tried at least twice to return Defendant Fifield's call, finally reaching him after 9:00 P.M. that evening, at which time Defendant Fifield harassed him about calling DYFS and ordered him to stay away from the property located at 1737 Belmar Boulevard in Wall, and threatened to arrest him if he ever caught him at the property.
3. Robert Bodtmann had threatened to run over Plaintiff and his father with his minivan. See Deposition of Plaintiff, Exhibit A and Affidavit of William J. Villari, Exhibit D.
4. The vehicle just barely missed striking Plaintiff, stopping momentarily, for less than 30 seconds while Bodtmann turned the car and continued to encircle Plaintiff's house. See Deposition of Plaintiff, Exhibit A and Affidavit of William J. Villari, Exhibit D.
5. Plaintiff never hit Bodtmann. See Deposition of Plaintiff, Exhibit A and Affidavit of William J. Villari, Exhibit D.
6. There were no children present at Plaintiff's property on January 4, 2004. See Deposition of Plaintiff, Exhibit A and Affidavit of William J. Villari, Exhibit D.
7. Plaintiff used a shovel in his effort to stop Bodtmann from driving around his property threatening Plaintiff and his father. See Deposition of Plaintiff, Exhibit A and Affidavit of William J. Villari, Exhibit D.
8. Plaintiff never had a bat during the incident, never saw a bat and never used a bat.
9. Plaintiff made a statement to Defendant Nash at the scene of the incident regarding the incident that had just transpired between him and Robert Bodtmann.
10. Defendant Fifield yelled at Plaintiff and his father, calling them "fucking guineas" on numerous occasions. See Deposition of Plaintiff, Exhibit A and Affidavit of William J. Villari, Exhibit D.
11. Defendant Fifield purposely bumped into Plaintiff, trying to provoke him into pushing the officer.
12. Defendant Fifield arrested Plaintiff and put Plaintiff into his patrol car. See Deposition of Plaintiff, Exhibit A and Affidavit of William J. Villari, Exhibit D.

13. Defendant Nash did not arrest Plaintiff. See Deposition of Plaintiff, Exhibit A and Affidavit of William J. Villari, Exhibit D.
14. Defendant Nash did not know what charges had been brought against Plaintiff, despite having been the “arresting officer.” See Affidavit of William J. Villari, Exhibit D.
15. Cindy Bodtmann was at the Wall Police Headquarters and was interacting with Defendant Fifield as if they knew each other.
16. Defendant Fifield returned to Plaintiff’s property and located a bat in the shed thereupon. See Defendant Nash’s Exhibit C.
17. Defendant Fifield returned to Wall Police Headquarters with said bat and showed it to Cindy Bodtmann, telling her “I got the bat, Cindy, I got the bat.” See Deposition of Plaintiff, Exhibit A and Affidavit of William J. Villari, Exhibit D.
18. Officer Roche apologized to Plaintiff’s father for everything that had transpired that day, saying “I’m sorry about all of this, Mr. Villari. I had a talk with Officer Fifield and told him that he better not do this again or he’s going down the road.” Affidavit of William J. Villari, Exhibit D.